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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Reports of States Parties

FEDERAL REPUBLIC OF YUGOSLAVIA
(Serbia and Montenegro)

Report on an exceptional basis*

INTRODUCTION

1. The present special report has been prepared in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women and the decisions adopted at the twelfth session of the Committee on the Elimination of Discrimination against Women (CEDAW) held in Vienna from 18 January to 5 February 1993.

It is a follow-up to the report of the Socialist Federal Republic of Yugoslavia on the current situation in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women considered at the 1991 CEDAW session to the extent to which that report related to the Republics of Serbia and Montenegro, now constituent republics of the Federal Republic of Yugoslavia. In preparing this special report, account was taken of the requests (questions) of the Committee made during the consideration of the second periodical report of the Socialist Federal Republic of Yugoslavia.

2. The Federal Republic of Yugoslavia was proclaimed on 27 April 1992 with the date of the promulgation of its Constitution. It consists of two republics of

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* The annexes will be issued separately in the language received, which is English.

the former Socialist Federal Republic of Yugoslavia - Serbia and Montenegro. According to the latest 1991 census covering all republics of the former Socialist Federal Republic of Yugoslavia, in Serbia and Montenegro (i.e. in the Federal Republic of Yugoslavia) out of a population of 10,408,699, 5,244,378 are women (annex II, table 1).

3. The unconstitutional secession of some republics constituting the former Socialist Federal Republic of Yugoslavia and subsequently the impact of the war in the neighbourhood of the Federal Republic of Yugoslavia and the sanctions imposed on it resulted in major demographic changes in the Federal Republic of Yugoslavia. These changes are the consequence of an influx of a large number of refugees from all the four former Yugoslav republics, mostly from the war-torn Croatia and Bosnia-Herzegovina. On the other hand, a new migration wave of the Yugoslav population has been recorded, characterized more than previously by the migration of young educated people.

The problem of refugees and the effects of sanctions are two main features of the present socio-economic situation in the Federal Republic of Yugoslavia, having certain long-term consequences.

4. According to official estimates, the total number of registered refugees in the Federal Republic of Yugoslavia reached at some point the figure of 670,000. According to the latest data of 13 October 1993, a total of 548,310 refugees was registered in the Federal Republic of Yugoslavia, 495,000 of them being accommodated in the Republic of Serbia (accounting for 5 per cent of the total population of this Republic) and 53,310 in the Republic of Montenegro (accounting for 8.5 per cent of the total population of this Republic). About 150,000 refugees in Serbia and 10,000 in Montenegro, not registered for various reasons, should be added to the above figure. (Source: Bulletin of the Commissioner for Refugees of the Republic of Serbia).

The majority of the registered refugees are women and children. Out of the total number of refugees in Serbia, women over 18 years of age account for 49 per cent and 83 per cent of the total number of adult refugees, while 208,500 or 42 per cent are minors, indicating an additional burden of women refugees many of whom are also mothers. In Montenegro, women refugees account for about 30 per cent while 55 per cent are children.

Under republican laws and regulations, all refugees in the Federal Republic of Yugoslavia are guaranteed the collective protection of their individual, property and other rights and freedoms, as well as international legal protection provided for by relevant international norms. The Federal Republic of Yugoslavia expects the Office of the United Nations High Commissioner for Refugees and other international and national organizations to continue to cooperate with the competent authorities in the Federal Republic of Yugoslavia and its constituent Republics in order to alleviate at least partially problems facing the Federal Republic of Yugoslavia since, as already mentioned, the majority of the refugees are women and children.

5. The economic situation in the former Socialist Federal Republic of Yugoslavia had been less than satisfactory long before the disintegrative processes in its economy, caused by secession and the outbreak of conflicts,

began. These processes blocked the process of economic reforms and the preparation of a corresponding safety net, which were not supported by adequate foreign financial aid. Following the imposition of international blockade, particularly under United Nations Security Council resolutions 757 (1992), of 30 May 1992, 787 (1992), of 16 November 1992, and 820 (1993), of 17 April 1993, the country's economy was brought to the point where it no longer could ensure the basic conditions for maintaining material and social welfare of the population, especially of its most vulnerable categories such as women, children, the elderly and a large number of refugees.

The sanctions have had a devastating effect in all spheres of life. The greatest damage was done to the country's economy. The total gross national product (GNP) in 1992 declined, compared to 1991, from 25 to 18 billion dollars, while it is estimated that in 1993 it would amount to only 13 billion dollars.

The total output recorded a drastic fall, while the GNP per capita fell from 2,330 dollars in 1991 to 1,750 dollars in 1992. All other economic activities have also been reduced and imports of commodities into, and exports from, Yugoslavia have been suspended.

The declining economic activities and employment have had a drastic impact on the real sources of finance of public consumption and, coupled with enormous inflation, have reduced the real value of wages and salaries, pensions, disability allowances, unemployment benefits and other allowances to individuals and families provided for by law, as well as subsidies to welfare institutions. There is a growing number of the population unable to meet its basic needs such as food and hygiene, and with the coming winter heating will be a most serious problem.

According to the assessment contained in the United Nations Revised Consolidated Inter-Agency Appeal for former Yugoslavia (of 8 October 1993), up to 50 per cent of the population of the Federal Republic of Yugoslavia are "social cases".

The sanctions have most seriously affected the health of the population. In the country which, until recently, provided health care for the entire population in accordance with internationally accepted standards, the latest United Nations Revised Consolidated Inter-Agency Appeal for former Yugoslavia of 8 October 1993 states that many documents submitted to the United Nations describe the devastating effects of the sanctions on the medical and social care system, including "infant deaths, alarming changes in pathology patterns, lack of anaesthetics and basic items for the treatment of ordinary diseases, lack of disinfectants".

In the changed environment, besides children and the elderly, women are the most seriously affected. Women more often than not remain jobless, since in the rationalization programmes of enterprises they are on redundancy lists and, for family reasons, reluctantly accept retraining or change of workplace. When deciding within the family on who is to stay at home, in most cases it is the wife since in the prevailing social and economic conditions it is felt that women should give up work, particularly if they are less trained and poorly paid jobs are in question, and stay at home with children, especially with young

children, since pre-school institutions are expensive. Furthermore, women more easily opt for early retirement because they feel that it is better for them to stay at home and economize than to work for negligible wages which are almost equal to travel to and from work in crammed buses of the considerably reduced city transport.

The list of setbacks affecting the above-mentioned categories of citizens in Yugoslavia under the conditions of sanctions is long. In the case of women, this list ranges from a restrictive application of some rights provided for by law (e.g. maternity leave, etc.), reduced basic health care reflected in the lack of contraceptives, abortions without use of anaesthetics, deprivation of basic hygienic items because of their shortage or exorbitant prices to cases of women increasingly giving birth at home or police being unable to help a woman who is the victim of family violence. because of the lack of petrol, etc.

The general trend of deterioration of living conditions in the Federal Republic of Yugoslavia caused by the United Nations sanctions is in contravention of the coercive character of the effect of cogent norms contained in the Universal Declaration of Human Rights 1/ and article 11, paragraphs 1 and 2, of the International Covenant on Economic, Social and Cultural Rights, 2/ recognizing "... the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions ..." as well as "the fundamental right of everyone to be free from hunger".

In a situation where the international community has recognized and asserted that the Federal Republic of Yugoslavia is not an aggressor and that a civil war is being waged in Bosnia-Herzegovina, the continuation of sanctions against the Federal Republic of Yugoslavia is absolutely pointless. Despite the efforts made by the Federal Republic of Yugoslavia aimed at achieving a just and lasting peace and finding a generally acceptable solution to the Yugoslav crisis, particularly to that in Bosnia-Herzegovina, based on the consensus of all three constituent peoples, the Federal Republic of Yugoslavia is faced with the heavy burden of unjust and inhuman sanctions. Moreover, some international elements are attempting to expand the list of conditions to be fulfilled by the Federal Republic of Yugoslavia in order to lift the sanctions, which is totally unacceptable.

The question can rightly be asked whether the international community, by imposing sanctions against the Federal Republic of Yugoslavia and persisting in their continuation, has acted contrary to its commitment contained in the Preamble of the Convention on the Elimination of All Forms of Discrimination against Women that the "eradication of ... domination and interference in the internal affairs of States is essential to the free enjoyment of the rights of men and women".

6. Despite obvious problems the Federal Republic of Yugoslavia is faced with (sanctions, refugees) and the fact that women are, in consequence, the most vulnerable segment of the population, there are also some positive trends which will be dealt with in connection with relevant articles of the Convention. The process of the transformation of State- and socially owned enterprises into private companies, i.e. the strengthening of the private sector, also has a

bearing on the status of women both with respect to managerial jobs and with ownership as well as other related jobs. Furthermore, various feminist organizations and anti-war movements, in which women have a dominant role not enjoyed by them in the previous period, have emerged and are becoming ever more influential.

7. The problem of collecting statistical data at the national level (not by sexes) remains, except in the case of some general questions in connection with census (total number of population, working population, etc.) so that relevant data can be derived only indirectly and by further research. In the forthcoming period, it will be the task of national statistical services (at both federal and republic levels) responsible for census planning and other social and economic surveys for various sectors to prepare questionnaires in such a way to enable a breakdown of data by sexes, both in absolute figures and percentages.

8. The constitutional and legal provisions related to various fields from the Convention are contained in annex I and relevant statistical indicators in annex II.

PART ONE

ARTICLES 1-2

The Federal Republic of Yugoslavia continues to pursue positive trends of constitutional-legal development and practical enhancement of the status of women and, compared to the previous situation, has made a step forward in guaranteeing certain special rights to women, in view of their role in starting and raising a family, but, at the same time, recognizing their equal status in the social and economic development of society.

The Constitution of the Federal Republic of Yugoslavia guarantees absolute equality of all citizens regardless of their sex, while women, irrespective of their marital status, are guaranteed special protection at the workplace during pregnancy and maternity. The Constitution of the Republic of Montenegro provides explicitly that marriage can be contracted only with the free consent of both woman and man.

Legislation in various fields to be dealt with in the part of this report pertaining to particular Convention articles regulates the rights of women in more detail. Practically, all fields covered by the Convention are dealt with in corresponding federal and republican laws and regulations. In this sense, there are no discriminatory laws, or sanctions against discrimination of women. Any job or position is accessible to women in the Federal Republic of Yugoslavia under equal conditions. In addition, it should be noted that the ratified and published international agreements and generally accepted norms of international law are an integral part of the internal legal system (article 16 of the Constitution of the Federal Republic of Yugoslavia), which is to say that this Convention too, having been ratified and published, can be immediately implemented. This means that a person who has violated the Convention can be tried by a competent court or held accountable by an administrative organ.

Overall, a high level of the constitutional and legal protection of women has been achieved in the Federal Republic of Yugoslavia and the main goal of present and future activities is to reduce the discrepancy between legislation and the real situation. The situation created by the Security Council sanctions will in many respects decelerate and make more difficult the efforts to lessen this discrepancy and retrograde processes are not excluded either.

2. In contrast to the previous reporting period when there existed only the national Committee on Women's Affairs as an advisory body to the Government, there is now the Federal Ministry of Human and Minority Rights of the Federal Republic of Yugoslavia whose main task, inter alia, is the improvement of legislation in the field of the rights and freedoms of man and citizen, in accordance with the rights and freedoms of man and the citizen provided for by the Constitution and the relevant international instruments of which Yugoslavia is a signatory. The exercise and promotion of the rights of women is one of the segments of work of this Ministry. In addition, the procedure for the establishment of an advisory body of the federal Government for the social and economic status of women is under way. The main task of this body will be to consider, at the Government's request or on its own initiative, issues related to the social and economic status of women, to submit proposals for the promotion of their status, to draw attention to situations and developments that could adversely affect or endanger the status of women and bring about their discrimination and isolation. Members of the advisory body will be elected from among prominent scientific, professional and public figures as well as representatives of political parties and women's organizations.

3. The last relics of the discriminatory attitude towards women have long been eliminated from the Yugoslav legislation and its application in practice. However, the situation in the country in the last two years caused sporadic negative practices with respect to women such as: giving tacit priority to men by employers, interruption of maternity leave because of "job requirements", redundancy dismissals because of women's reluctance to retrain or complete their training.

Some recent research indicates that there are some forms of discrimination against women serving prison sentences. Namely, the research carried out by the Institute for the Study of Crime and Sociological Research in Belgrade shows that the status of women prisoners, generally speaking, is worse than that of male prisoners although the law does not discriminate between the two categories. The number of women prisoners has been low and a downward tendency has been recorded compared to the previous period. In the largest women's prison in Serbia, there are now about 70 women, which is less than two years ago when there were about 100.

The main conclusion of the above-mentioned research is that the status of women prisoners is below the standard provided for by law. Women prisoners serve their sentences exclusively in total confinement, unlike male prisoners who are allowed to serve their sentences in the so-called "open" or "half-open" conditions. The situation of women serving short prison terms (up to one year) is even worse. They serve their sentences mainly in smaller prisons in which there do not exist conditions for separate male and female sections; therefore,

women are accommodated in solitary confinement regardless of the gravity of offences committed.

In addition to poor prison conditions for women, there is also the problem of their reintegration into society, which is more difficult in the case of women than of male former inmates. Problems begin in the family, which finds it more difficult to forgive a woman than a man for committing a crime or offence. This is most evident in the respect of children though their father's guilt is usually justified, while the mother is more often than not condemned and isolated from her children. Furthermore, the social environment more readily accepts a former male than female inmate, the latter being, as a rule, uneducated.

A draft new law on criminal sanctions including important innovations is being prepared. All women prisoners are to be accommodated in sections providing so-called "open" conditions while aggressive persons are to be accommodated in separate sections. In addition, sentenced women having babies will have the right to postpone their serving of sentences if their child is three years of age (currently the sentence service can be postponed until the child is one year of age). Furthermore, women giving birth in prison will be able to keep their infants in a separate prison section until they are three years old (now one year of age).

This law was supported at regular annual meetings of criminologists, sociologists, criminal lawyers and psychologists as well as by many feminist groups.

4. The extent of violence against women, particularly by male family members, became more evident only after the S.O.S. telephone call for women victims of violence was introduced. If the scale of violence against women were to be assessed only on the basis of official statistics covering the number of the convicted persons, and of the sentences passed for the offences against dignity, personality and morale, an incorrect picture probably would be gained that their number is declining (see table in annex II).

The war in the neighbourhood of the Federal Republic of Yugoslavia, coupled with daily media reports on it, increased the scale of violence and forms of victimization of women and children.

Women's organizations and particularly the S.O.S. telephone call noted the post-TV news violence syndrome as well as "the syndrome of blackmailing by the use of refugees" (90 per cent of refugees are accommodated with families).

In the S.O.S. telephone call service and the group connected with it are engaged women volunteers who feel that violence against women is not a personal affair of affected women but a social phenomenon and that social instruments (regulations, services, etc.) should be used to eliminate it.

It should be noted that a programme of education for women and on the rights of women within the entirety of human rights is being prepared. The realization of this programme is being promoted by women experts as well as by women volunteers in cooperation with several already mentioned associations for

combating violence against women and the Institute for the Study of Crime and Sociological Research in Belgrade. A number of activities are planned in the course of 1993, including: lectures at faculties with predominantly female students in Belgrade, as well as the Faculty of Law and the Faculty of Political Science having over 70 per cent of female students; publication of texts on the rights of women; publication of interviews in magazines for women on some aspects of the daily problems of women; seminars for women lawyers on the practical aspects of the protection of the rights of women; active participation in public discussions on reforms of the legislation relating to domestic relations; collection of new evidence on violence against women in the conditions of the civil war in the country's neighbourhood, in a serious economic crisis and life under sanctions.

The State, on its part, will seek possibilities to support these forms of the existing exclusively voluntary, although professional, activities aimed at helping women victims of violence. The aim is to close the circle: S.O.S. telephone call - shelter for women - advisory centre. This requires considerable funds and it is known that this problem cannot be solved overnight even in much more developed countries.

5. The media campaign and accusations of rapes of Muslim women exclusively by Serbs in Bosnia-Herzegovina launched in November 1992, which lasted until April 1993, were received with indignation by the public in the Federal Republic of Yugoslavia because of the biased attitude towards the Serb people as the main culprit for everything that it is happening in Bosnia-Herzegovina. The more so since, even then, there existed irrefutable evidence that women on all three sides were victims of rape. In the civil and religious war going on in Bosnia-Herzegovina, there were, unfortunately, instances of rape as in any other war. This is a phenomenon accompanying any war. The Government of the Federal Republic of Yugoslavia has on repeated occasions, as reflected in the General Assembly and Security Council, publicly and strongly condemned perpetrators and those responsible for rapes regardless of the side they belong to. Perpetrators must be punished since the committed crimes constitute a violation of the national legal order and international humanitarian law and the basic principles of morale, honour and human dignity.

The escalation of the propaganda culminating in biased and insulting accusations of rapes with which exclusively Serbs were charged represents a collective accusation of an entire people, which is, inter alia, contrary to international human rights norms. Emphasizing exclusively the victims of one side means discrimination against victims of war, undermining the whole human rights system, particularly the most widely accepted International Convention on the Elimination of All Forms of Racial Discrimination. 3/

A more realistic and more objective approach was adopted for the first time after the visit of a team of the human rights Special Rapporteur, Mr. T. Mazowiecki, who assessed that there were about 12,000 cases of rape on all sides (only 119 corroborated). At the session of the European Parliament Commission for the Rights of Women, Mrs. Simon Veil expressed reservations with regard to the report submitted to the Commission. Furthermore, the second report of the Security Council Commission of Experts for investigation of war crimes in the former Yugoslavia indicates that the Commission managed to provide

evidence only for 330 cases of rape on all sides. Irrespective of the relatively small number of corroborated cases of rape compared to the uncorroborated accusations that 60,000 Muslim women were raped, this fact by no means justifies the perpetrators of these horrible acts against the moral, physical and mental integrity of the individual.

For its part, the Federal Republic of Yugoslavia approached this problem seriously, both with respect to collecting facts and evidence that Serb women were also victims of rape but also with respect to the physical and mental rehabilitation of the victims of violence in the war in Bosnia-Herzegovina.

The State Commission for War Crimes and Crimes of Genocide and the Inter-Departmental Group of the Government of the Federal Republic of Yugoslavia, helped by some non-governmental organizations and associations of citizens, have collected information on victims of such crimes and continues this work. Some parts of the collected evidence were presented to the Security Council Commission and circulated as official documents of the General Assembly and the Security Council. 4/

In order to rehabilitate physically and mentally the victims of sexual abuse committed in the war-torn areas who found shelter in the Federal Republic of Yugoslavia as refugees, the Commission for Monitoring Sexual Abuse of Women, Children and Men in the Conditions of War was set up within the Federal Ministry of Labour, Health and Social Policy. The majority of such victims are among the refugees from former Bosnia-Herzegovina and Croatia. The Commission is composed of experts, gynaecologists, psychiatrists and psychologists. There is no discrimination in the work of the Commission based on nationality. In cooperation with the competent institutions and some non-governmental organizations (NGOs) (feminist groups from Switzerland and Italy), it has already helped a number of women to integrate socially. It has been particularly active in the cases of young women who gave birth as a result of rapes in Muslim- and Croat-run camps and brothels. A number of young women got jobs in the Federal Republic of Yugoslavia and some left the country with the help of foreign NGOs.

This Commission also collects additional evidence on sexual abuse by means of questionnaires prepared in accordance with the latest research methods and with the help of the Institute for the Study of Crimes and Sociological Research. The evidence collected will be presented to the Security Council Commission of Experts while care will be taken to protect fully the identity and integrity of victims of sexual abuses, so as to prevent any abuse through public appearance.

The Commission also checked on the ground allegations of some NGOs that 26 Muslim women, refugees in Novi Pazar, had abortions as the consequence of rape. Checks and enquiries with doctors in the hospital and representatives of the "Merhamet" Muslim humanitarian association showed there was no reliable evidence which would confirm these allegations. Moreover, reports of the Conference on Security and Cooperation in Europe (CSCE) Mission of Long Duration did not mention such cases in Novi Pazar.

The Commission cooperates with S.O.S. telephone call, which is also actively monitoring the situation. In December 1992, the group for women raped in the war was set up within the S.O.S. call service. With the help of some NGOs from Switzerland, this group set up a separate Centre for Raped Women which, in addition to rehabilitation of victims of rape, collects reliable evidence on women raped in the war and elsewhere. The initiative of a NGO from Switzerland is also being acted on with a view to training about 10 S.O.S. call representatives from Belgrade so that they can work with women victims of sexual abuse.

ARTICLE 3

Proceeding from the constitutional principle on the equality of citizens as contained in article 20 of the Constitution of the Federal Republic of Yugoslavia, article 13 of the Constitution of the Republic of Serbia and article 15 of the Constitution of the Republic of Montenegro, the Penal Code of the Federal Republic of Yugoslavia and the penal codes of its constituent Republics, the violation of the equality of citizens is punishable, which also includes violation on the ground of different sex.

Provisions in all the three codes relating to incrimination are identical.

The perpetrator of an offence under article 60 of the Penal Code of the Republic of Serbia and article 46 of the Penal Code of the Republic of Montenegro is any person who has denied or restricted a right of a citizen or made concessions or given advantage (in most cases those are civil or military responsible officials), while the perpetrator of an offence under article 186 of the Penal Code of the Federal Republic of Yugoslavia can only be an official of a federal organ or organization. Such an offence shall be punished by imprisonment from three months up to five years if the perpetrator, on the grounds of nationality, race, religion, political or other belief, ethnic origin, sex, language, education or social status, has denied or restricted the rights of citizens provided for by the Constitution, law or other regulation or a general enactment or ratified international agreement or if he/she, on these grounds, has made concessions or given advantage to citizens.

In Yugoslavia's current serious economic crisis, all possibilities for the population to exercise their rights and for equality of sexes in the economic, cultural and other social spheres are endangered. The current situation in employment characterized by the trend of a further rise in unemployment represents a risk of the return of patriarchal mentality. There can be no emancipation of women without a solid economic basis. This danger is evident from the analysis of the first multi-party elections in all republics of the former Socialist Federal Republic of Yugoslavia, as well as from the elections in the Federal Republic of Yugoslavia where a negligible number of women were elected deputies, particularly in view of the fact that in the former Socialist Federal Republic of Yugoslavia women deputies accounted for about 30 per cent.

The danger for women's equality also lies in a rather active, sometimes aggressive role of the church and some nationalistic parties. In this context, large-scale protests were provoked by the initiative of the Serbian Orthodox

Church to ban abortion; the initiative was abandoned also thanks to strong protests of feminist organizations.

ARTICLE 4

It can be said that the whole legal system of the Federal Republic of Yugoslavia is based on so-called discrimination in favour of women reflected in the special protection of women and mothers. A long tradition of equal treatment of women (except in some regions of the country which will be dealt within the review of implementation of article 5 of the Convention) in the social, economic and political system does not require additional measures in the sense of preferential treatment or a quota system. However, the State, in view of the current situation, has adopted certain stimulative measures such as aid in providing equipment for newborn babies equivalent to the net minimum monthly wage; maternity allowance for all unemployed mothers equivalent to 20 per cent of the net minimum monthly wage; reduced price of milk for those receiving children's allowance; financing pre-school institutions from the budget and provision of basic foodstuffs from the State stocks.

Women have managed to find their way into various professions so that there is an equal number of them or even more women than men in some professions such as journalism, the judiciary and teaching, including universities.

Women are not subject to conscription but can serve in the Army of Yugoslavia as professional members of the armed forces. The principle of equality of sexes enables women to exercise their right to work and employment rights in the Army of Yugoslavia under the same conditions as men, with the additional protection related to maternity. However, more women serve as civilians in the Army of Yugoslavia as a result of the specific training of professional soldier rather than as a result of discriminatory status vis-à-vis men.

ARTICLE 5

Generally speaking, the legislation in force and the policy of the Federal Republic of Yugoslavia offer no grounds for assertions of inferiority or superiority of any sex, i.e. for the stereotype division of roles between men and women. Since all jobs and positions in public institutions are equally accessible to all citizens under the Constitution of the Federal Republic of Yugoslavia and the Constitutions of the Republics, women may do all jobs ranging from pilot and flight engineer to the traditionally women's jobs (teachers and nurses).

Furthermore, legal solutions also contribute to eliminating stereotypes, which is reflected in practice in the fact that men may take advantage of maternity leave or leave because of a sick child (examined in greater detail under article 11).

In the context of eliminating prejudices, illustrative and educational are entertainment and education programmes broadcast by television and radio and

watched by schoolchildren. Despite all this, there still exist relics of the old practice which can have adverse effects on the youngest. Thus, for example, "Bukvar" (Primer), the first book that children are faced with at school still contains some traditional divisions into man's and woman's jobs.

Despite equal constitutional, legal, economic, educational and other conditions applicable to the entire State territory, there are still some regions in the Federal Republic of Yugoslavia which are slow in ridding themselves from some traditions and customs related to ensuring equality of women and men. This is particularly evident in Kosovo and Metohija and, to a much lesser extent, in some regions of Serbia (Eastern Serbia and Rača). The negotiations between the educational authorities of the Federal Republic of Yugoslavia, i.e. Serbia, and representatives of ethnic Albanians in Kosovo and Metohija, within the International Conference on the former Yugoslavia, on the renewal of the education system in Kosovo and Metohija have been temporarily interrupted exclusively due to the refusal of the Albanian side to accept reform of the educational system on the basis of the uniform curricula of the Federal Republic of Yugoslavia, i.e. Serbia, and its making acceptance conditional on further talks on these issues, by settling the political status of the province, i.e. by openly advocating secession of this province.

This gives rise to particularly serious concern from the aspect of the long-term consequences of discrepant effects of interaction between economic development and the increase in the population in Kosovo and Metohija. Large capital transfers for the construction of economic and social infrastructure did not produce corresponding demographic effects or contribute sufficiently to the emancipation of family relations and attitudes towards the role of woman and her right to equally decide on giving birth. These measures contributed to a moderate decline in fertility and particularly to a sharp fall in the mortality rate, but not to a decline in birth rates. While in 1991 birth rate for the whole of Yugoslavia was 4.9 per thousand (in Montenegro 9.1 and in Serbia 4.6), in Kosovo and Metohija it was 22.2 per thousand, unlike the other Province of Vojvodina where the birth rate since 1989 was negative (-1.8) (annex II, table 24). High birth rates reduce the effects of Serbia's and Yugoslavia's capital investments in the economic and social development of Kosovo and Metohija and its population and consequently, the improvement of the status of women. According to some expert estimates, 87.5 per cent of the lagging behind of that province is accounted for by demographic factors, while the remaining 12.5 per cent are due to other factors. The low level of education of women is a consequence of perseverance of some forms of traditional behaviour and practices according to which a woman is an object without the right to make decisions on some essential issues of life and family. Women in Kosovo and Metohija are not even in a position to decide how many children they will have. It is, however, true that such practice is deeply rooted in religion and customs, which the decades of existence of positive regulations failed to uproot completely. In this context, there are numerous cases (not sporadic) of the purchase of women, of a woman belonging to her husband's brother after the husband's death (although the former has a wife) or exchange if the family of a man whose wife died learns of a family in which the husband died. In all these cases of traditional practices and customs, women are discriminated against since such marriages are prearranged without their knowledge.

It should however be mentioned that some entirely different phenomena can be noticed in Kosovo and Metohija. In the last few years a large number of women and children took part in persistent protests on the streets of towns in Kosovo and Metohija, which was inconceivable until now in this cultural and civilizational environment. However, this is also an example of manipulation, since the decision to go out to streets was made by a narrow circle of the leading parties of the Albanian national minority and constitutes the abuse of women and children for achieving political goals, i.e. secession of this province and its joining Albania.

ARTICLE 6

The legislation of the Federal Republic of Yugoslavia regulates in a satisfactory manner the protection of women, i.e. prevention of traffic in, and prostitution of, women and their exploitation in various ways.

The Federal Republic of Yugoslavia ratified the international conventions protecting human rights, women in particular, such as: the Slavery Convention; 5/ the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; 6/ the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; 7/ and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. 8/

The Penal Code of the Federal Republic of Yugoslavia provides for the protection against slavery by criminalizing the offence of the establishment of a slavery relationship and transport of persons in a slavery relationship as an offence (article 155) and against prostitution and pornography as the offences of procurement in prostitution (article 251) and presentation of pornographic material (article 252).

The Penal Codes of the Republics of Serbia and Montenegro contain special provisions on the protection of women. Thus, for example, the Penal Code of the Republic of Serbia criminalizes the following acts relating to the general and specific protection of women: coercion (article 62), abduction (article 103), forced intercourse (article 104), forced intercourse with a helpless person (article 105), forced intercourse or carnal act with a person under 14 years of age (article 106), forced intercourse or carnal act by abusing one's position (article 107), carnal act (article 108), seduction (article 109), unnatural carnal acts (article 110), procurement or enabling of prostitution (article 111), contracting of invalid marriage (article 113), enabling the contracting of invalid marriage (article 115), taking of a minor (article 116) and negligence and ill-treatment of a minor (article 116). The Penal Code of the Republic of Montenegro criminalizes the same offences.

Prostitution as a profession is not criminalized in the Yugoslav criminal legislation. Furthermore, violence against, and rape of, prostitutes are not criminalized as separate offences but in the general criminal legislation protecting prostitutes as other citizens (e.g. chapter VII of the Penal Code of the Republic of Serbia - offences against life and body, as well as the

above-mentioned offences contained in the same republican Code - coercion, rape, etc.).

The above offences are punishable both under the federal and republican legislation with imprisonment from 3 months to 10 years, depending on the gravity of the offence. In view of the fact that there still exists the traditional attitude in Yugoslavia concerning these offences according to which such behaviour is morally condemned (criminalized in the Yugoslav criminal legislation as already mentioned), there are many cases of prosecution of perpetrators of such offences and imprisonment for them is more severe than the average.

There are no figures which would indicate that prostitution is on the rise in Yugoslavia as a result of the economic crisis. Wider proportions of prostitution can be presumed to exist on the basis of advertisements in some newspapers and magazines unambiguously indicating that open or covert prostitution is involved (advertisements for massage salons and other pleasures of the escort girls for businessmen, etc.). The so-called "covered-up prostitution" involving a considerable number of educated and employed women is particularly worrying. Quite alarming is the fact that girls from "good families" date, for financial reasons, bad but capable and well-off men who are on the verge of becoming or have already become criminals. Yugoslavia was not faced with such problems until recently or at least not to such an extent.

ARTICLE 7

1. In the Federal Republic of Yugoslavia, the participation of women in political life has noticeably increased in respect of the regulation and exercise of their right to vote and other political rights. This is reflected not so much in the number of women holding prominent positions as in the growing trend towards the engagement of women in political activities. Women are holding leading positions in many political parties and are highly respected. The President of the Independent Trade Union Confederation is a woman and the leader of one of the political parties is also a woman. However, the participation of women in political activities is not reflected in the number of seats they occupy in Parliament. For example, in both Chambers of the Federal Assembly there are only five women (2.8 per cent, one of them being Vice-President of one of the Chambers. In the National Assembly of the Republic of Serbia there are 10 women (4 per cent), while they are represented in the highest percentage in the Assembly of the Republic of Montenegro - 6 (7.1 per cent). The situation is similar at the communal level. Women account for only 4.8 per cent of the total number of deputies in the communal assemblies in the Republic of Serbia, that is, from a total of 7,280 deputies in the communal assemblies, only 354 are women. In the communal assemblies in Montenegro (due to incomplete data, only 16 out of 21 communes were considered), from a total of 555 deputies only 25 are women (annex II, table 3).

In the Government of the Federal Republic of Yugoslavia, out of 17 Federal Ministries two are headed by women, the Ministry of Human and Minority Rights and the Ministry of the Environment, while women are Deputy Federal Ministers in two other Ministries. The Federal Government's Secretariat for Legislation is

also headed by a woman. The Mayor of Belgrade, the capital of the Federal Republic of Yugoslavia, is also a woman.

As already indicated under article 4, a growing number of women hold posts in the judiciary in recent years. Out of a total of 2,464 appointed judges (in communal, district and economic courts and in the Supreme Court of Serbia and the Supreme Economic Court) 1,042 are women, while out of 450 appointed public prosecutors 105 are women. After the latest appointment of judges for the communal and district courts in the territory of Serbia (October 1992), the number of women sitting in session was found to total 30 to 50 per cent, while the percentage was even higher in the larger towns. Thus, in the territory of Belgrade, out of 232 judges in 5 communal courts, 149 are women. Women are predominant also in the courts in Novi Sad, Subotica, Zrenjanin, Sremska Mitrovica and Kruševac, where they account for 60 per cent of the total number of judges.

2. The participation of women in public life and political activities is greatly impeded by the effects of the difficult economic situation, and the collapse and lagging behind of many economic branches as a consequence of sanctions. A retrogressive trend is also evident - women are returning to their homes to cope with the problems of family survival. Therein lies the danger of historical retrogression. Furthermore, many young and educated married couples, as well as some individuals (including girls and women) are leaving the country. This process should be reversed as soon as possible and should also be assisted by the international community.

3. NGOs and associations spearheaded by women appeared in the territory of the former Socialist Federal Republic of Yugoslavia somewhat later than in some West European countries. The emergence of most of them coincides with the beginning of the dissolution of the Socialist Federal Republic of Yugoslavia in 1990 (Women's Movement for Yugoslavia) and they particularly mushroomed with the beginning of armed conflicts. Women are also protagonists of anti-war movements and actions. Organizations registered at the level of the Federal Republic of Yugoslavia are as follows: two social organizations of women (Federation of Women in Yugoslavia and the Alliance of Women for Yugoslavia) and five associations: Association of Serbian Sisters, Humanitarian Society of Women of Good Will - the U'ice Movement for Yugoslavia, the Feminist Lobby, Women in Black, the "Women Help Women" Association and, finally, the best known and most beneficial to women in need, the S.O.S. Association for women and children who are victims of violence. In addition to Belgrade, the S.O.S. Association has its affiliations in Kraljevo and Novi Sad, and one only for children in the Children's Village in Sremska Kamenica.

ARTICLE 8

In the Federal Republic of Yugoslavia, women are equal with men in respect of their access to diplomatic posts and positions in international organizations, though the number of women diplomats is several times smaller than the number of men. In the Federal Ministry of Foreign Affairs, women holding responsible positions account for 16 per cent of the total number of diplomats. This proportion is not the result of State policy, but of a personal

option of women who, as a rule, apply in a smaller number for posts in this Ministry and, consequently, in the diplomatic and consular missions abroad. The prevalent situation is that the husband diplomat is accompanied by his wife and children when he is transferred abroad, rather than vice versa.

Currently, there are no women Ambassadors or Consuls-General in the Yugoslav missions abroad.

However, women participate in larger numbers in national delegations to international meetings and conferences.

The present situation of the Federal Republic of Yugoslavia, that is, its current isolation, has resulted in its diminished international cooperation on its part through no fault of its own; consequently, the number of women members of the Yugoslav delegations is a reflection of these circumstances. For the same reason, since the imposition of the sanctions, the Federal Republic of Yugoslavia has not appointed its women representatives to fill vacancies within the system of the United Nations and other regional and international organizations.

ARTICLE 9

In the Federal Republic of Yugoslavia women and men have an equal right to acquire, change or be readmitted to citizenship. Proceeding from their equality under the Constitution and the equality of citizens before the law, the questions of citizenship are regulated by the relevant law, including situations in which one of the spouses was a foreign national when the marriage was contracted. According to this regulation, a foreigner who contracted marriage with a Yugoslav national may acquire Yugoslav citizenship if he/she so desires. In such cases, no specific period of time is required after which a spouse may acquire Yugoslav citizenship on the basis of marriage, unlike a period of three years of uninterrupted stay in the territory of Yugoslavia which is, inter alia, required for aliens wishing to obtain Yugoslav citizenship.

Children may travel abroad either on the passport of their mother or father or they may have their own children's passport. Furthermore, a married woman, like any other citizen of age, is entitled to a passport of her own, if she so requests.

All these provisions are contained in the 1976 Law on Socialist Federal Republic of Yugoslavia Citizenship, which is still in force in the territory of the Federal Republic of Yugoslavia. The procedure for the adoption of the Law on Citizenship of the Federal Republic of Yugoslavia is under way.

As regards the citizenship of children, those who were born in the territory of the Federal Republic of Yugoslavia and whose one parent is a Yugoslav national are entitled to Yugoslav citizenship by their origin.

The nationality affiliation of children up to the age of 15 is determined for census purposes by their parents, while after this age the child opts for himself/herself.

ARTICLE 10

Article 62 of the 1992 Constitution of the Federal Republic of Yugoslavia provides for compulsory education of eight years and proclaims equal access to this education regardless of sex gender. The right to education is provided for also in the Constitutions of the Republic of Serbia and the Republic of Montenegro and constitutes the cornerstone of any legislative or other activities in the field of education (annex I).

After the adoption of the new Constitution, the educational system returned to traditional values. Schools were once again divided into those providing general and theoretical knowledge and those providing technical education and vocational guidance. Efforts were also made to overcome the traditional sexual stereotyping, e.g. divisions into male and female professions, by encouraging girls to opt for careers in technical fields. The Laws on Elementary and Secondary School Education and the Laws on Faculties ensure equal educational opportunities for both sexes, in order that they may have an equal share in social life and compete for jobs on equal terms, to ensure their overall equality and economic independence (annex I).

According to the most recent statistics, illiteracy of women over the last 10 years dropped from 702,336 in 1981 to 388,507 in 1991. Despite this positive trend, women nevertheless account for 10 percent and men for 2.2 per cent of the total member of illiterate persons, which indicates that the illiteracy of women is four to five times higher than that of men (annex II, Table 4). Regional differences are still evident, particularly in respect of the illiteracy of women. Illiterate women are most numerous in Kosovo and Metohija and in the Rača area, where patriarchal relations are very strong and religious beliefs are not in favour of the interests of women.

The attendance of female children in compulsory eight-year schools is high and in the 1991/1992 school year it was 95 per cent. Out of a total of 938,526 pupils enroled in elementary schools in the territory of the Federal Republic of Yugoslavia, 455,422 were girls which makes up almost 50 per cent of the total number of elementary school pupils (annex II, Table 5). The problem of school-leavers not completing the compulsory eight-year education is more characteristic of girls and is due to prejudices, religious beliefs, poor economic conditions, etc.

Girls account for 50 per cent of the total number of students enrolled in secondary schools in the 1991/92 school year. Out of a total of 335,631 enrolled students, 169,772 are girls. The number of girls enrolled in secondary schools is gradually increasing as compared with previous years, and this trend is satisfactory (annex II, table 6). However, regional differences are even more evident here. In the territory of Serbia without the Autonomous Provinces, the enrolled female students account for over 50 per cent, while in the territory of Kosovo and Metohija they account for somewhat more than 30 per cent.

The enrolment of youth in secondary schools is still characterized by traditional professional orientation. The data for the 1991/92 school year show

that girls are still oriented towards teaching, law, catering, tourism, business administration, health, textile industry, while a considerably smaller number are enrolled in schools of mechanical, electrical and civil engineering and transport (annex II, table 7).

The enrolment of female students in faculties and academies is satisfactory. In the 1992/1993 school year, out of a total of 142,570 students 76,020 or 53.32 per cent are girls. Their orientation towards the so-called "female occupations" and option for the respective schools is similar both at the university and secondary school levels.

Girls continue to be keenly interested in the study of humanities (they account for 68.82 per cent of the total number of enrolled students), natural sciences and mathematics (67.12 per cent), medicine (64.58 per cent), while a much smaller number of girls are studying faculties of engineering (women account for only 33.38 per cent out of the total number of enrolled students), faculties of agriculture and forestry (36.52 per cent), etc. (annex II, table 8).

Although the number of women with a specialist's degree, MA and Ph.D. has increased over the past 10 years, men are still in the lead. The share of women in the work of scientific research institutions is 45 per cent, as compared with the participation of men (annex II, table 10).

The positive trend of integration of girls into the educational system was interrupted by the imposition of sanctions against the Federal Republic of Yugoslavia by the international community, with unforeseeable effects on education, as also noted by the United Nations Children's Fund. The policy of student credits and scholarships designed to eliminate the division of jobs into those for men and for women, and to encourage girls to orient themselves towards unconventional better paid jobs is almost non-existent in the conditions of economic and financial crisis. Investments in dormitories and improvement of living conditions of youth attending schools outside the places of their residence have been reduced to a minimum which will, in the long run, mostly affect girls, because in such conditions parents will be more willing to send their sons away from home than their daughters.

Education of adults is of great importance both for the elimination of illiteracy and further education. In the territory of the Federal Republic of Yugoslavia, in the 1991/1992 school year, there were 127 classes with an elementary school programme for the education of adults. Out of a total of 2,725 enrolled adults, 979 were women (annex II, table 11).

In the framework of adult education, particularly important is the education of working adults who are entitled under the law to take paid or unpaid leave for the purpose of education or additional training. Yugoslavia ratified in 1982 Convention No. 140 of the International Labour Organization 9/ dealing with paid leave for education purposes. However, in view of the economic blockade it is no longer possible to benefit from this opportunity because of job insecurity and the difficult financial position of the individual. Under the circumstances and due to numerous financial problems

facing the family, women are the category of the population which is least ready to accept any additional training.

An important aspect of education, for female youth in particular, is family planning. This is carried out through the organization of marital, premarital and youth consultancies within health institutions. Elementary and secondary school curricula include themes on family planning and humanization of the relationship between the sexes.

At this moment, it is necessary to underline that the education of women in this field is stagnating because of the Security Council sanctions imposed on the Federal Republic of Yugoslavia. The sanctions also have a negative bearing on the status of women in the educational system. Women, as pillars of any family, are faced with a situation in which they are preoccupied with their own and their family's bare survival; therefore, any educational processes such as literacy courses, additional training and retraining, scientific and professional specialization are of secondary importance. Statistical data for the forthcoming period will indicate a drastic drop in the education of women in the Federal Republic of Yugoslavia, which will cause further degradation of the status of women.

The sanctions affect education in many ways, irrespective of the fact that this area is not directly referred to in Security Council resolutions. The embargo on the import of heating oil and oil products has deprived educational institutions of indispensable heating, which disrupted last year and will disrupt this year the normal work of schools and has a negative bearing on the working atmosphere and enthusiasm of both teachers and students.

The teaching staff is affected by the lack of information from abroad, access to foreign literature and training in foreign countries. For example, 34 readers for the Serbian language were proposed for universities in 12 countries for the 1992/93 academic year and none of them was accepted.

The granting of scholarships for specialization on a reciprocal basis within the programmes of cooperation concluded with 33 countries (25 developed and 8 developing countries) has also been disrupted.

Suspension of cooperation with the Organisation for Economic Cooperation and Development (OECD) and the European Community (EC) left Yugoslavia short of information, access to, and insight into, international trends and views relating to the problems of educational systems in the world. The extremely useful OECD research studies in education are no longer circulated to Yugoslavia. Suspension of cooperation between Yugoslavia and EC in the TEMPUS Programme (A Scheme of Cooperation and Mobility in High Education between Central and East European Countries and EC) ended EC cooperation and financial assistance in 21 projects, including individual scholarships.

The sanctions also have had a negative impact on the education of the children of Yugoslav migrant workers. In some countries with which Yugoslavia has concluded bilateral agreements (France, Germany, Switzerland), these children are facing difficulties in getting instruction in their mother tongue and cherishing their culture because it is no longer possible to send teachers

from Yugoslavia or textbooks and other books. Additional financing of these programmes has also ceased and some schools have even had to close down.

ARTICLE 11

1. Article 69 of the Constitution of the Federal Republic of Yugoslavia stipulates the right to work as an inalienable right of the individual (annex I). Yugoslavia ratified in 1987 ILO Convention No. 156 dealing with equal opportunities and treatment of working men and women (workers with dependants). 10/ The Republic of Serbia and the Republic of Montenegro adopted new laws on employment. The draft new Federal Law on the Bases of Labour Relations will probably be adopted by the end of 1993.

There is no discrimination against either men or women in any of the existing legal job and employment regulations. The Federal Law on Basic Employment Rights (annex I, p. 6, articles 7 and 8) provides for uniform employment criteria which specify that a prospective applicant must be 15 years of age and of good general health. Special employment conditions for certain jobs are stipulated by the Law and a general act (annex I). Republican laws on employment also do not differentiate between sexes in the rights established by this Law. It provides for the right to employment under equal conditions, including equal criteria for the selection of job applicants. All former regulations which provided for rating lists have ceased to apply in the conditions of market economy and employment priority is determined on the basis of applicants' qualifications only.

Women account for 50.5 per cent of the overall population of the Federal Republic of Yugoslavia. They account for 39 per cent of the employed and for 53.7 per cent of those seeking employment (annex II, tables 1 and 12).

The educational background of employed women improved noticeably in the 1976-1986 period. The percentage of employed women with high, higher or secondary and elementary education has increased, while the percentage of employed women with incomplete education or no education at all has decreased. At the end of 1988, 16.1 per cent of employed women had either high or higher education, 32.4 per cent had secondary education, 18.4 per cent had vocational education, 25 per cent elementary education while 12.2 per cent of employed women had incomplete elementary education or no education at all.

The data on overall employment show that women's employment has been in the ascendant in the last 10 years. The majority of women are employed in non-production sectors of the economy, about 60 per cent of them, while the sector percentage breakdown for 1991 shows that more women than men were employed in commerce (50.6 per cent), catering and tourism (61 per cent), financial institutions (55.4 per cent), education and culture (52.9) and health and social protection (73.4). Women are least employed in forestry, water industry, civil engineering, transport and communications (annex II, table 12).

Employment of women with MA and Ph.D. degrees still lags behind the employment of men, but it has risen in the overall employment of those with

masters degrees and doctorates from 22.1 per cent in 1979 tc 25.9 per cent in 1986.

The greater employment of women in the last decade, primarily of young and educated women, has accounted for a higher employment percentage of young women than the percentage of women in overall employment. By extension, the age structure of employed women is better than the structure of employed men: 82.3 per cent up to the age of 45, 15.6 per cent for the age between 45 and 55 and 2.2 per cent for the age of 55 and over.

The number of unemployed women still exceeds the number of unemployed men. Women seeking employment account for 53.7 per cent, while that percentage for women younger than 30 years of age was 78 which shows that unemployment is greater among the younger women population. Women seeking employment have preponderantly secondary vocational education (about 35 per cent) or no education or vocation at all (about 34 per cent).

The problem of unemployed women is also characterized by a long employment waiting period since the majority of women of all education levels usually waits for employment between one and three years, which is negatively reflected in the individual, psychological or socio-economic fields. This is further negatively reflected in the solution of some important existential questions of the young, the acquisition of a permanent source of income and the solution of housing problems and, by extension, the contracting of marriage and the starting of a family are postponed, acquired professional knowledge becomes obsolete, the acquisition of work experience is delayed, as well as payments to pension funds. Therefore, a number of women postpones the bearing and raising of children to a more mature age, bringing sometimes into question the biological role of the woman and reducing thus the number of births.

The difficult economic situation, exacerbated in particular by the establishment of the sanctions of the international community against the Federal Republic of Yugoslavia, affects the economy of the country and is the cause of the ever greater number of bankruptcies, thus throwing the problem of unemployment into very sharp relief. Essential changes have been carried out in labour legislation, altering the present system of job security. Positive laws do not differentiate between sexes in the system of job security.

The Federal Law on the Basic Employment Rights (annex I, p. 6, article 21) provides for the protection of all redundant workers regardless of sex. The Law stipulates that no worker made redundant for technological, economic or other reasons can be laid off until ensured one of the following rights: the right to work in another organization or for another employer, the right to additional training and retraining, the right to buy up years of service up to five years if so required for age retirement, the right to a 24-average wage compensation gratuity and other rights provided by law.

The Law also applies to (annex I, p. 9, articles 75, 76 and 77) other cases of the cessation of employment, creating certain safeguards which prevent arbitrary dismissals. A worker may be laid off with his/her consent if he/she makes a written statement to the effect that he/she wants to terminate a labour relation and if he/she makes a written agreement with the authorized organ or an

employer that he/she wants to terminate a labour relation. A worker may be laid off without his/her consent if it is established that he/she is not qualified for a job, if he/she fails to achieve required results, if, while on probation, he/she fails to achieve certain results, if his/her labour relation has been established contrary to legal provisions, if he/she refuses a job offered to him/her after necessary retraining, if he/she gave wrong particulars when taking up employment. A worker may also be laid off ex lege when it is established that he/she has lost work capacity, if he/she has been denied to perform certain work by the decision of a court or some other organ, if he/she has to be absent longer than six months because of a prison term service.

Prior to the adoption of the Federal Law on the Basic Employment Rights (October 1989), the ex lege termination of a labour relation was regulated by a provision according to which men's employment ceased upon completion of 40 years of service or 65 years of age and women's upon completion of 35 years of service or 60 years of age with at least 15 years of service.

According to the Federal Law on the Basic Employment Rights, entered into force in October 1989, a worker may have his/her labour relation terminated upon completion of 40 years of service or 65 years of age unless the competent organ, or the employer, decides, on the basis of the conditions established by law and by a general act and collective agreement, that he/she may remain in employment. In practical terms it means that years of service and years of age do not constitute a reason for the ex lege termination of a labour relation. Similarly, the novelty is that it is no longer differentiated between men and women with respect to the years of service and age.

Retraining and additional training are becoming increasingly important in the conditions of the country's total economic blockade, high unemployment, economic difficulties and the bankruptcy of a large number of companies. A redundant worker must be ensured conditions for retraining or additional training so that he/she does not remain jobless and without basic subsistence means. However, a worker who refuses retraining or additional training is laid off against his/her will. This situation affects women more than men, since it transpires that, due to the aggravated economic conditions and increased family obligations, women are less prepared than men to undergo retraining or additional training, so that they are laid off more frequently than men (annex II, table 14).

Throughout their years of service, both men and women can, and it is even desirable, specialize on the job. The law provides for the paid and unpaid leave of absence for specialization purposes. The decision about such a leave is made by the director or competent organ of a company on a case-by-case basis.

The Constitution guarantees the right of woman to equal pay for equal work. Yugoslavia is also a party signatory to ILO Convention No. 100 dealing with equal pay for equal work. 11/ However, in practice average wages and salaries of women are 10 or more per cent below the average wages and salaries of men, while women's contributions to the family budget account for 70 per cent of those of men, the reason being the lower qualification structure of women, i.e. the number of women with secondary, high and higher education is much smaller than the number of men. The other reason is the concentration of women in lower

paid sectors of industry (textile, leather, etc.) and in catering tourism and other sectors in lower paid jobs. The problem of the female labour force lies in the fact that, because of numerous family obligations, women avoid responsible and better paid jobs which require greater personal commitment. Data indicate that there is a disproportionately greater number of men in managerial and other responsible positions.

However, the problem of equal pay for equal work is also the problem of job classification and the criteria for determining the value of work. This problem is also present in the international organizations dealing with labour issues.

A woman, who had had employment and remained jobless because of the economic difficulties of her company, has the right to unemployment benefits for a specified period of time. Women and other workers have the right to paid sick leave. In the case of retirement, the Law on Pension and Disability Insurance stipulates how such benefits are determined. In the past year, because of the difficult economic situation in Yugoslavia, pensions have been extremely low so that the very survival of pensioners has been threatened. Since the imposition of sanctions, the problem of pensions has exacerbated so much that the number of suicides among pensioners is in the ascendant. At the same time, the sanctions prevented the payment of foreign pensions to their beneficiaries in the Federal Republic of Yugoslavia, including a great number of women, in direct contravention of the provisions of article 9 of the International Covenant on Economic, Social and Cultural Rights 2/ guaranteeing to all the right to social insurance. In the Federal Republic of Yugoslavia, there are now 60,000 pensioners who realized the right to pension in 19 countries of the world. Furthermore, about 40,000 children do not receive child allowances from foreign countries, while about 500,000 dependants of those employed in foreign countries and beneficiaries of foreign pensions cannot exercise their right to health protection at the cost of foreign insurers. The Federal Republic of Yugoslavia has addressed many requests to the Security Council Sanctions Committee to deal with this issue, but the Committee turned a deaf ear to these requests. However, on 22 October 1992, the Committee issued a statement to the effect that this problem is within the exclusive competence of the countries in which the right to pension and other benefits and allowances had been acquired.

2. The matter of maternity protection and the prevention of discrimination against women because of maternity and the contracting of marriage is accorded exceptional importance in the context of the demographic and health policies of the country. Appropriate solutions of this matter help increase the birth rate and the health condition of the population.

Yugoslavia is a party signatory to ILO Convention No. 103 dealing with the protection of maternity Convention No. 156 dealing with equal opportunities of men and women workers with family obligations, 12/ Convention No. 158 dealing with the termination of employment at the initiative of the employer, 13/ Convention No. 45 dealing with the employment of women in underground work in mines of all categories, 14/ and Convention No. 89 dealing with the night work of women in industrial enterprises. 15/

The Constitution of the Federal Republic of Yugoslavia provides for the protection of all citizens under equal conditions against any form of

discrimination, including discrimination on the basis of family obligations. Its articles 28 and 29 provide for the specific social protection of the mother, the child and the family.

The Laws on Labour Relations of the two Republics and the Law on Child Protection stipulate the matter of protection of pregnant women and breast-feeding mothers in detail.

A worker may be laid off against his/her will only for reasons established by law. Pregnancy, maternity leave or the marital status are not enumerated in the law as valid reasons for the termination of employment, so that dismissals based on such reasons are unlawful. In the case of an unlawful dismissal, the dismissed worker has the right to demand legal reinstatement in the previous position and the remuneration of lost wages or salaries.

The Federal Law on the Basic Employment Rights provides for a paid maternity leave, not shorter than 270 days. Prior to the imposition of sanctions, the financial situation enabled some companies to provide working mothers an up-to-two-year maternity leave, which proved exceptionally beneficial both for the mother and the child. The sanctions, however, discourage women from exercising their right to the maternity leave guaranteed by the law because of the fear of dismissal and when they do exercise this right they do so only partially because of financial reasons.

For health reasons, maternity leave commences 28 days before delivery.

After the expiry of maternity leave, a woman worker has the right to work half-time until her child is three years old if, in the opinion of the competent health institution, the child is in need of care because of its health condition. One of the parents of a handicapped child has the right to work half-time which will be treated as full-time work.

The father of the child is also entitled to maternity leave in the event of the mother's death, her abandonment of the child or her justified inability to take this leave.

If a stillborn child is delivered or if the child dies before the expiry of maternity leave, the mother is entitled to an extended maternity leave for as much time as her doctors deems necessary for her recovery or for a minimum of 45 days, during which period she is entitled to all the rights granted during maternity leave.

Maternity benefits are equal to the salary which the woman would earn if she worked.

During maternity leave, the working woman enjoys all the rights on the basis of health, pension and disability insurance, and other social benefits, as if she worked.

In order to provide in practice opportunities for women to become employed, to work and take part in public life, it is necessary to ensure care for their pre-school and schoolchildren while the parents are at work.

The care of children in pre-school institutions is one of the essential forms of assistance to families, working parents and mothers in particular. The care, upbringing and education of pre-school and schoolchildren are provided in various institutions and non-institutional forms of child protection (nurseries, kindergartens and care for children of school age through organized prolonged stay at schools and providing for them meals, rest, recreation, etc.). The need for this type of social care is most needed in big cities.

Care of pre-school children is provided in kindergartens established and supervised by the social community. Kindergartens offer children full-day accommodation and care according to specially adjusted programmes. In the present economic conditions of increasing costs of food and other difficulties, aggravated by the sanctions, child care communities are unable to cope with the growing costs of running child care services, which has resulted in increased financial participation by parents. Consequently, despite the considerable share of society in funding these institutions, the number of children from lower-income families is rather small.

The situation is somewhat different in the conditions of prolonged sanctions and the State has intervened by taking additional measures in the field of the social care for children. For example, as the result of the priority given to child care institutions in ensuring food supplies, children are returning to these institutions because their parents are unable to provide them with certain food products at home.

Special care is provided for handicapped and mentally retarded children, serious cases in particular, and their rehabilitation or training for various jobs.

As regards the other forms of child protection, such as extended stay in elementary schools, rehabilitation and recreation, school canteens, etc., a downward trend has been recorded particularly over the past few years mainly because of the required increased financial participation of parents.

The existing regulations related to work and protection at work, and the ratified conventions of the ILO establish the rights and measures for the protection of all workers, particularly working women during their pregnancy, the period of breast-feeding and until the child is two years of age. Overall protection of all working women including prohibition for women to do hard physical jobs, underground or water, or any other jobs which could be detrimental or a risk for their health, in view of their mental and physical characteristics.

The legal provisions stipulating that a woman working in industry or civil engineering cannot be required to work in the night shift are in accordance with ILO Convention No. 89 dealing with night work of women employed in industry. 13/

Night and overtime work of women during pregnancy is explicitly banned under the republican and federal legislation. They are also protected from working with sources of ionizing radiation (annex I, article 40, para. 7).

Despite great efforts by society to ensure legal and practical conditions for the equality of women, the current economic crisis, severely worsened by the economic sanctions, has had negative effects. The restrictive economic policy is drastically reflected in the fields of health, upbringing and education, social and child protection, bringing into jeopardy the basic values achieved in the social sphere and adversely affecting the status of women, with incalculable consequences for future generations.

ARTICLE 12

The Constitution of the Federal Republic of Yugoslavia, the Constitutions of the Republics and the laws on health protection provide for health protection to all citizens (annex I, article 60, para. 1).

In the Federal Republic of Yugoslavia there exists an adequate network of health institutions, qualified professionals, buildings, modern equipment and facilities for providing health protection to all categories of the population, in accordance with the standards of the World Health Organization (WHO).

The system of health insurance and social protection was entirely funded by society. The transformation of this system was planned and initiated within the overall reforms of the social and economic system, but the process was suspended because of the United Nations Security Council sanctions and the consequent rapid impoverishment of the country's economy and falling standards of living. As a result, it is not possible to ensure the rights to health protection on the basis of health insurance because of the lack of funds for health insurance and shortages of medicine and other medical products financed from these sources.

Health protection was provided to the population of 10,391,659 (according to the 1991 census) by: 131,061 doctors and medical and other staff employed in health institutions, including 92,000 medical workers (21,000 physicians; 4,478 dentists; 2,479 pharmacists; and 63,151 medical staff with higher, secondary or elementary professional qualification, as of 31 December 1991).

The citizens of the Federal Republic of Yugoslavia are extended health protection in 191 health centres and 23 medical centres (including numerous outpatient clinics in local communities and work organizations); 29 specialized institutions for preventive medicine for health protection, 95 hospitals and clinics and numerous other health institutions, centres, institutes, etc. (annex II, tables 15, 16, 17).

With such health protection services, the Federal Republic of Yugoslavia was able to ensure modern diagnostics, treatment and rehabilitation and to implement successfully national and international programmes for the improvement of health and quality of life, particularly through the implementation of WHO's Global Strategy for Health for All by the Year 2000. Health protection provided according to this concept and strategy was designed to reduce morbidity and mortality in general, as well as the morbidity and mortality of some specific categories of citizens or some diseases (reduction of infant mortality, eradication and elimination or reduction of morbidity with regard to most contagious diseases, reduction of disability, extension of life span, etc.).

In the 1991-1993 period, in addition to providing health protection to the citizens of the Federal Republic of Yugoslavia, the same level of protection was ensured to 640,670 refugees (as of 19 May 1993), out of which number infants under the age of 1 accounted for 19,149; 92,363 children in the age group from 1 to 7; 167,866 in the age group from 8 to 18 and 295,392 women. Men above the age of 18 accounted for 65,900 (the majority of them, the elderly).

In the 1986-1990 period, the annual average of check-ups in the Federal Republic of Yugoslavia was as follows:

8,030,000 check-ups of pre-school children (infants, children aged 1 to 2 and over 3) at health protection centres, and

1,881,000 for the protection of women.

As can be seen from these data, an increased number of health workers were engaged in health protection of women (annex II, tables 14, 15, 16). In the decade prior to the imposition of sanctions, due to the existing network of family planning centres, an increased number of doctors and medical staff and a better informed population, the number of calls on family planning centres by expectant mothers increased, which resulted in more deliveries with medical assistance. Thus, in 1991, 89.1 per cent of babies were delivered with, and 10.9 per cent (or almost 50,000) without, professional assistance (annex II, table 20).

Even in the course of 1991, political developments characterized by the secession of the republics of the former Socialist Federal Republic of Yugoslavia caused a further aggravation of the economic situation in the Federal Republic of Yugoslavia and the economic crisis which adversely affected health care service and health of the population in general. Health care services lacked 60 per cent of the medicine and medical supplies provided in the former republics of the Socialist Federal Republic of Yugoslavia. The financial situation in health care services became difficult, but health protection was still ensured as a result of considerable efforts, adjustments and reorganization made of available stocks.

During 1992, the situation in the field of health care was drastically changed as a result of the imposed United Nations sanctions and embargo against the Federal Republic of Yugoslavia. This unexpected, incomprehensible, inhuman and unprecedented action also seriously affected health care although medical supplies are explicitly exempted from the United Nations Security Council resolutions. The Federal Republic of Yugoslavia, like other countries, depends on international trade and services, including the supplies and equipment for health care. The Federal Republic of Yugoslavia suddenly found itself in a situation of being deprived of imported medicine, precursors, equipment, spare parts for medical equipment, some vaccines, laboratory solutions and other disposable medical supplies needed for regular or special use. Provision of humanitarian aid which is insufficient has been aggravated by a slow procedure of getting approval for it while its shipment is obstructed, thus providing an example without precedence of how a humanitarian action is transformed into its contravention.

Although medical supplies are not subject to Security Council resolution 757 (1992) sanctions, there are many problems in practice in ensuring supplies to the health service of the Federal Republic of Yugoslavia. Some foreign partners do not deliver medical supplies, not even the prepaid or contracted deliveries. Others offer more expensive semi-manufactured and manufactured products instead of precursors. More often than not, the transport of medical supplies is hampered. Yugoslav importers have difficulties in finding foreign partners for cooperation in this field. Embargo on imports of precursors has been imposed by Security Council resolution 787 (1992), while Security Council resolution 820 (1993) which became effective on 26 April 1993 practically prevents the import of medicine, precursors and medical supplies except in the case of humanitarian aid which has been symbolic thus far.

The functioning of health service depends primarily on the provision of medicine, medical supplies, equipment and spare parts to health care institutions. Most of these products are imported into the Federal Republic of Yugoslavia. Almost 95 per cent of medical disposable supplies, 85 per cent of precursors and over 90 per cent of medical equipment are imported.

The volume of health care has abruptly been reduced, morbidity has increased and particularly mortality within certain categories of the population as well as the number of diseases. There is an increase in the death rate of infants, patients suffering from chronic diseases, elderly people, people suffering from acute illness which cannot be treated due to the lack of medicine, material for surgery, diagnostics, etc. The problem of acquired immune deficiency syndrome has become pressing due to the shortage of diagnostics tests which are entirely imported and of materials for the prevention of its spreading.

Although an increasing number of women consult health care institutions during their pregnancy, delivery and maternity, this has not resulted in improved health care of women. Due to the shortage of essential medical supplies, complications during pregnancy and delivery have increased. There is a rising number of miscarriages caused by psychological strains and cases of abortions due to the financial constraints of parents which make it impossible for them to raise a child. The situation has become even more serious because there is a growing number of poorly performed abortions because women cannot afford to pay for abortion in medical institutions. Poorly performed abortions have drastically aggravated the health of women, reducing their reproductive function.

The number of deliveries at home is also growing due to the shortage of fuel, irregular traffic, etc.

The death rate of infants rose from 14 per cent in 1991 to 16 per cent in 1992 even in Belgrade, the capital of the country which has the most developed health service.

The number of cases with complications during pregnancy and delivery is also on the rise owing to the shortage of essential medical supplies. This has resulted in an increase of mortality during the delivery both of mothers and babies. According to statistics, the death rate of infants increased from 20.9

per 1,000 in 1990 to 21.6 in 1991. The number of cases of the death of mothers due to complications at childbirth increased from 12 in 1990 to 19 in 1991 (annex II, tables 21, 22, 23, 24).

The birth rate in the Federal Republic of Yugoslavia has declined which will result in the further undesirable reduction of the number of inhabitants and ageing of the population in the coming period in view of the fact that the Federal Republic of Yugoslavia has already entered the stage of declining population like other Western European countries (annex II, table 25).

Although home visits to pregnant women and those who gave birth are guaranteed by law, they have become occasional due to the shortage of fuel for ambulances and medical supplies for the health care of mothers and babies. These visits are increasingly of an advisory nature (annex II, table 19).

ARTICLE 13

All citizens are guaranteed equal rights, freedoms and duties by the Constitution of the Federal Republic of Yugoslavia and the Constitutions of its constituent republics. Women and men equally enjoy all rights to family benefits. Women have access to mortgage, bank and other loans under the same conditions as men.

There are no formal or practical obstacles to women participating in any sport or cultural activities. A number of top results achieved by women teams in handball, basketball, shooting, etc. at world and European competitions proves that participation of women in sport activities is satisfactory.

The sanctions imposed by the international community have particularly seriously affected sport, because Yugoslav athletes are not allowed to participate in international competitions as representatives of the Federal Republic of Yugoslavia but only as individuals. Thus, the participation of the Yugoslav teams in the sports where Yugoslavia used to achieve significant results have been banned. Non-participation in international competitions and in world and European championships and the Olympic Games will cause a fall in the quality of performance of both athletes and coaches, as well as the loss of motivation and interest in sport in general.

The imposition of sanctions in the field of culture and education can hardly be justified by any explanation offered by the Security Council to the international community when it decided to adopt resolution 757 (1992). The sanctions imposed on culture and education are in direct contradiction with the Universal Declaration of Human Rights which provides in its article 27 that "everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits". 16/ From the point of view of the international community and the world Organization, the imposed sanctions constitute a hardly comprehensible form of punishment of a whole nation with long-term and unforeseeable consequences. The mechanisms of cooperation developed for years in the field of cultural exchanges and the processes of integration into European and world

trends of development have been suspended and prospects for their continuation are uncertain.

An orientation completely isolating one country, its people and culture from international communication in the spiritual field, denying them information about the trends and technological advancement, denying them the right to education, to receive and impart information, constitutes a dangerous precedent bringing into question the basic civilizational and humanistic principles which are today not only invoked so often but manipulated as well.

ARTICLE 14

Rural women play a very significant role in the Federal Republic of Yugoslavia representing the majority of rural population active in agricultural private sector. According to the 1991 census, there are 1,347,842 rural population out of which 55 per cent (i.e. 732,919) are rural women. Women actively involved in agriculture account for 59.6 per cent of the total active rural population. In mixed households 83 per cent of women are in charge of agricultural production. There is an increased number of women employed in the public sector of agriculture and in 1989 women accounted for 27.3 per cent of the total number of workforce (annex II, tables 29, 30).

The position of rural women depends on the development level of particular regions as well as on the configuration of the land, i.e. whether it is a plain or a mountainous area. The position of women in mountainous regions is in general more difficult. Man is usually the owner of the land, although he is often employed in industry or works abroad as a migrant worker. Man as the head of the family makes contract farming deals while the woman works in the field and runs the household. This has resulted in a situation where young people, women in particular, leave rural areas to get training and find jobs in other activities. Since flat lands are usually richer and conditions of life there are better, women decide more often to stay and live in farm households.

All farmers and members of their families are provided with health insurance. All bigger villages have their own medical establishment providing basic health care. There is a problem of sufficient number of doctor and medical staff. Doctors are reluctant to go to work in a village because of the poor conditions of life. Most of those who accept the assignment are men.

Health education of rural women is below the standard minimum. Rural women still reluctantly visit health institutions and health consultants due to prejudices, ignorance, lack of time and money.

This is the reason why there is still a great number of stillborn babies and recorded cases with complications affecting women during pregnancy and delivery. The cases of miscarriage are also frequently due to hard work, unsanitary living conditions, etc. After unprofessionally performed abortions, women rarely visit their doctors which can threaten their health and life.

According to the results of a study, women's participation in the primary agricultural production amounts to 64 per cent. In the private agricultural

sector, women still work by and large manually while men mostly use agricultural machinery (tractors, combine harvesters, etc.). This situation is being overcome primarily by the education of girls. In recent years, the number of rural girls educated in secondary, high schools and universities is almost equal to the number of rural boys. There is a significant increase in the number of girls attending secondary agricultural schools totalling 41 per cent of the overall number of students, 39 per cent of the total number of students at the Agricultural Faculty, 34 per cent at the Faculty of Veterinary Medicine and 30 per cent at the Faculty of Forestry.

The increased number of women with higher education and professional qualifications (agronomists, veterinarians, economists) in the public sector has resulted in their greater participation in more complex and better paid jobs.

The growing interest of girls in agricultural schools has had an impact on the development of agriculture. Out of the total number of all students in agricultural schools 41 per cent are girls.

Permanent and occasional forms of education of working adults (courses, seminars, lectures) with special programmes for agricultural workers are of special importance to raise the level of education in the field of agriculture.

The programme of teaching the illiterate rural population how to read and write is still of topical interest. Farmers of both sexes have equal access to programmes for education of adults.

The development of social and personal emancipation of women is linked with the changes of relations in rural areas, primarily by overcoming the stalemate in the process of association of farmers, particularly the association of immediate producers where the question of who is the owner is not of decisive importance. These processes should lead to a complete emancipation of women and to the changing of the existing traditional relations within the family and household.

Farmers are guaranteed the right under the law to engage in other activities not forbidden by law, in addition to agriculture, such as the processing and packing of agricultural produce, development of small-scale industries in villages, cooperative farming, handicrafts, rural tourism and other non-agricultural undertakings. These activities create greater scope for women to participate in and contribute to making extra money for their families and, more importantly, to value many levels of their professional skills, other than farming, which results not only in growing numbers of working women but ensures their greater integration into broader social developments outside urban areas. It has a special impact on the improvement of living standards of rural population, in view of the fact that in the last two decades the process of the aging of the rural population has become noticeable, primarily due to the migration of rural population to cities.

ARTICLE 15

All provisions contained in this Article of the Convention have been incorporated in and guaranteed by the legal system of the Federal Republic of Yugoslavia. Women are not subject to any form of discrimination or denied any property right by the law or court practice. The right to own property and the right of inheritance are guaranteed by the Constitution of the Federal Republic of Yugoslavia (art. 51) and by the Constitutions of its constituent republics (art. 34 of the Constitution of the Republic of Serbia and articles 5 and 16 of the Constitution of the Republic of Montenegro). However, there is a practice which is typical mainly of the rural areas, although it is not rare in big cities, by which a woman (sister) waives her inheritance right in favour of her brother.

Women enjoy equal rights of property ownership as men. After marriage a woman maintains her property and may acquire her own property (article 10 of the Family Law of the Republic of Montenegro and articles 12 and 32 of the Law on Marriage, Family and Family Relations of the Republic of Serbia). It may be noted that a woman enjoys an even more favourable status under the family legislation as evidenced by the fact that lawful marriage and common-law marriage are equal in respect of the rights of mutual support and other property and legal rights. A woman is also in a more favourable position in court practice. The contribution of a common-law spouse, which is in most cases a woman (according to the statistics men die earlier than women), to the preservation of lawful or common-law marriage is especially taken into account during the probate proceedings and the determination of her share of property in comparison with other relatives (children from the first marriage etc.). In principle, many judges insist that this contribution of women be maximally taken into account, although it may not be big in a material sense of the word. Thus, crucial interests of women are observed.

Equality in property and legal relations can also be illustrated by the fact that a large number of women have become owners of formerly socially-owned flats upon payment of the specified amount of money. Thus, women like men have become owners of private apartments, on the basis of their own length of service. Under the law, the wife or children, both those born in or out of wedlock, have the right to purchase the flat for themselves or for the members of their immediate family after the death of the husband - father, who was entitled to occupy the socially-owned flat. In addition, the law provides for some facilities for purchasing such socially-owned flats. Thus, a married couple can combine their years of service. Namely, if the husband was entitled to occupy a socially-owned flat, he can add the years of service of his wife and vice versa. On this basis, the purchasing price of the flat was reduced taking into account the fact that throughout the period of employment all employed persons contributed from their salaries to housing construction (art. 21 of the Law on Housing Relations of the Republic of Serbia).

Women enjoy equal rights, in property and legal sense, also in the field of cooperative farming. There was a provision in the 1976 Law on Associated Labour stipulating that farmers may pool not only their land and resources but also labour. A large number of women could become equal members of a cooperative on the basis of their labour. The Law on Cooperatives in force contains

essentially the same provisions. However, the new draft law explicitly refers to labour as the basis for membership of a cooperative. This will be a new encouragement to women to become equal members of cooperatives in villages and small towns in particular, which constitute 78.5 per cent of all settlements in the Federal Republic of Yugoslavia (4.4 per cent are urban settlements and 17 per cent are mixed settlements).

ARTICLE 16

The matter of marriage and family is regulated by the Law on Marriage and Family Relations (annex I).

Under the legislation in force marriage is described as a community based on the free consent and equality of both partners. Equality implies first the right to a free choice of spouse, equal rights and responsibilities during marriage and, at its dissolution, the same parental rights and equal rights in family planning, right to freely choose profession and occupation as well as equal rights to choose a family name.

The principle of equality of spouses in marriage is applied also in the case of divorce. A wife has the right to file petition for divorce for the same reasons as a husband. A marriage can be dissolved by the mutual consent of both spouses or on the basis of the reasons provided by the law, i.e. untenability of marriage. The task of divorce proceedings is not to establish the guilt for divorce but to what extent the marriage has become untenable.

In the case of divorce reached by mutual consent, spouses make arrangements by agreement about the upbringing, care and support of their children.

In the case of the dissolution of marriage in court, the court decides in its judgement, on the basis of the opinion of social welfare authorities which is not binding, about the custody of the child and about all other issues concerning the child's interests. The interests of the child are of primary importance. In accordance with court practice, the court takes into consideration the age and health condition of the child as well as other relevant circumstances. For example, the living conditions of the divorced parents are more important than their bank account. According to court practice, the child can be put into the custody of one parent irrespective of the fact that he/she lives in a common-law marriage.

The question whether women enjoy priority in making the decision of the child's custody is still topical. There is the prevailing opinion in court practice in the Federal Republic of Yugoslavia that a small child should be placed in the custody of the mother, and only in exceptional cases, of the father. There is an increasing number of those who feel that the stereotyped roles of parents should be changed. It is emphasized that the real abilities of both father and mother should be tested first and only then should the court make a decision taking into account above all the interests of the child.

In exceptional cases the child may be placed in the custody of a third person or institution.

Family planning is one of the important aspects in developing relations of equality among men and women. Family planning campaigns through the media, the system of education, upbringing and health protection has still not produced desired results. There is a growing number of people consulting family planning centres as well as those using contraceptives. In the Federal Republic of Yugoslavia, however, abortions are frequently performed as a risky method of family planning instead of planned birth control. On the other hand, in some parts of the country there are families with a large number of children, primarily due to ignorance and lack of contraceptives. In 1986, for example, 388,855 abortions were performed and 356,287 children were born. Most women (189,238), who already have two children, decided to have an abortion. There is still a significant number of women (84,230), mothers of only one child, who had abortions, as well as those who had no child at all (50,673) (annex II, tables 26, 27, 28). Under the Law on Abortion Conditions and Procedure, abortion may be performed only at the request of the woman before the expiry of 10 weeks of pregnancy. After that period, abortion may be performed only in the case of rape, genetic malformation of the fetus or if the life of the woman is at risk.

It is evident from the enclosed chart that there is an unfavourable situation in respect of the number of live-born and still-born infants and the age of the mother (annex II, tables 22, 23, 24).

All this adversely affects the increase in the number of the population. Birth rates are far below the level of basic reproduction of the population in most parts of the country.

Under the Law on Marriage and Family of both republics, one of the conditions to contract marriage is that the person is not younger than 18 years. Exceptionally, minors below 18 years of age may contract marriage but only with the approval of the court, which is based on the opinion of the organ of guardianship. In this case the age of the minor is not explicitly defined but the person must not be younger than 16. In regions with a predominantly Muslim population there are frequently marriages of minors arranged by parents although the minors have never met each other before.

In view of the serious economic crisis, the family is facing the problem of ensuring the basic financial resources for living. Since women bear the heaviest burden in the everyday struggle for the survival of the family and household, they are most seriously affected by the harsh consequences of the crisis. Due to the reduction in the overall public consumption and the lack of financial resources for the service industry, women are forced to resume some old responsibilities in running the house which were carried out in the past by public utility and other services, nurseries, kindergartens, school canteens, communal feeding restaurants, etc.

The well-being of women and family depends a lot on the electricity, running-water, central heating, sanitary installations in the apartments and on household appliances.

Conditions of purchase of durable consumer goods have become very difficult indeed, which especially affects young families who have just started running

their own household and in most cases have not solved their housing problem and have only one employed member. Namely, in view of the crisis, families are spending most of their money to meet their basic needs: food, housing, clothes and shoes which are the fixed expenditures of a household. Therefore, meagre funds are left for other needs of a family.

The costs of durable consumer goods are extremely high, and because of high inflation favourable credits for these goods, are unavailable.

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The Government of the Federal Republic of Yugoslavia is aware that the recent developments in the territories of the former Socialist Federal Republic of Yugoslavia have an impact on the nature of this special report.

The Yugoslav crisis caused by the secession of some constituent republics of the former Yugoslavia from the Federation provoked large-scale national, civil and religious conflicts.

The present situation is a source of concern and worry of the Government of the Federal Republic of Yugoslavia and that is why it is exerting additional efforts towards finding a peaceful, just and lasting solution in the interest of all peoples living in the territory of the former Yugoslavia.

United Nations Security Council resolutions on sanctions against the Federal Republic of Yugoslavia explicitly state that the sanctions have been imposed, inter alia, because of the need to ensure a more efficient protection of basic human rights and fundamental freedoms, including the rights and freedoms of minorities.

However, in practice it turned out very quickly that the measures envisaged by the United Nations resolutions adversely affect basic human rights - the right to life, health and education. The negative impact of the sanctions on everyday life, on the most vulnerable categories of the population in particular as also described in this report, has brought into jeopardy the exercise of a number of generally recognized human rights in the economic, social and cultural fields.

The achievements of the international community in ensuring the respect for as well as the further promotion and protection of human rights enshrined in the most important international instruments relating to human rights, including the Convention on the Elimination of All Forms of Discrimination against Women have been seriously brought into question in the Federal Republic of Yugoslavia by the unjust sanctions imposed by the United Nations Security Council.

International humanitarian assistance cannot replace cooperation and development in which the Federal Republic of Yugoslavia is keenly interested and for which there exist potentials that cannot be realized owing to sanctions.

Finally, despite the sanctions, the serious economic crisis, the war in its neighbourhood, the presence of large numbers of refugees, various political pressures aimed at bringing about a complete fragmentation of the Federal

Republic of Yugoslavia, the suspension from almost all international bodies and broken ties in the fields of culture, science, education and economic relations, the Government of the Federal Republic of Yugoslavia wishes to point out that it will do its utmost to observe and fulfil all its obligations which it has undertaken by the acceptance of as many as 21 international instruments dealing with human rights.

The Government of the Federal Republic of Yugoslavia will, for its part, exert maximum efforts and in this respect it expects the assistance of the Committee for the Elimination of Discrimination against Women, so that the current negative trends which have already jeopardized the achieved level of rights of women in the Federal Republic of Yugoslavia are not only halted but also that conditions are ensured for the implementation of the defined policy of the Federal Republic of Yugoslavia aimed at the further promotion of the status and rights of women.

Notes

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ A/47/813-S/24991, A/48/68-S/25146; A/48/75-S/25217; A/48/77-S/25231; A/48/74-S/25216; S/25421.

5/ United Nations, Treaty Series, vol. 212, No. 2861, p. 17.

6/ United Nations, Treaty Series, vol. 266, No. 3822, p. 3.

7/ United Nations, Treaty Series, vol. 165, No. 2181, p. 303.

8/ Resolution 1763 A (XVII), annex.

9/ International Labour Conventions and Recommendations, 1919-1981, Convention No. 140, 1974, concerning Paid Educational Leave, p. 327.

10/ Ibid., Convention No. 156, 1981, concerning Equal Opportunities and Equal Treatment for Men and Women Workers; Workers with Family Responsibilities, p. 52.

11/ Ibid., Convention No. 100, 1951, concerning Equal Remuneration for Men and Workers for Work of Equal Value, p. 42.

12/ Ibid., Convention No. 103, revised 1952, concerning Maternity Protection, p. 693.

13/ Ibid., Convention No. 89, revised 1948, concerning Night Work of Women Employed in Industry, p. 706.

14/ Ibid., Convention No. 45, 1935, concerning the Employment of Women on Underground Work in Mines of all Kinds.

15/ International Labour Conventions and Recommendations, 1919-1991, vol. II, Convention No. 158, 1982, Termination of Employment, p. 1266.

16/ Resolution 217 A (III).